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Kalen M. Coleman

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Wake Up or Get Woke: The Paradox of America's Diplomatic Export of Hip Hop

By KALEN COLEMAN*

Introduction

Since 2001, the United States has been sending hip hop artists overseas to perform and promote American culture.¹ But hip hop began in the South Bronx of New York City, driven by disaffected and impoverished African American youth who gave voice to their discontent.² There is an inherent hypocrisy in the appropriation and export of a subculture whose formation was driven by dissatisfaction. Likewise, the use of hip hop as a diplomatic tool is the embodiment of a tension where practitioners are asked to fight the power and serve it simultaneously.³

How can a country with a history of racial tension espouse hip hop overseas while domestic policies repress the bodies that create the art? This is a question with some gravitas. A question that could invoke empathy for the artist asked to reconcile his treatment as a second-class citizen with his desire to perform and propagate his art. But the question could be worse. The question could be: How can a country do this *again*? How could a country espouse a culture overseas while subjugating the bodies that create it *again*?

The paradoxical appropriation of black culture for representative purposes in diplomacy is not new; the United States previously employed African American jazz artists in diplomatic efforts when “. . .this hitherto disreputable music—routinely associated in the mass media with drugs and crime—suddenly became America's music.”⁴ So what is it that makes this hypocrisy, this appropriation of black culture, possible? I posit that the question is best answered by a short excerpt from the figurative lyrics of Donald Glover, aka Childish Gambino, when he raps, “This is America.”⁵

* Kalen M. Coleman, PE, Class of 2021, William H. Bowen School of Law, Little Rock; B.S. Electrical Engineering 2013, University of Arkansas. He would like to thank Professor André Douglas Pond Cummings for his feedback on this article, and his amazing wife for her love and support.

1. MARK KATZ, BUILD: THE POWER OF HIP HOP DIPLOMACY IN A DIVIDED WORLD, 33-35 (2019).

2. André Douglas Pond Cummings, *Richard Delgado and Ice Cube: Brothers in Arms*, 33 L. & INEQUAL. 321, 322 (2015).

3. Katz, *supra* note 1, at 14.

4. PENNY M. VON ESCHEN, SATCHMO BLOWS UP THE WORLD: JAZZ AMBASSADORS PLAY THE COLD WAR, 3 (2004).

5. DONALD GLOVER, THIS IS AMERICA (RCA Records 2018).

Part I: American Diplomacy

A. Understanding Soft Power

In the United States, the President is vested with the exclusive power to enact official diplomatic communications with foreign governments.⁶ The accepted understanding is that the Founders viewed the exclusive executive diplomacy power as necessary for the United States to respond quickly to international events and speak with a single voice.⁷

It is easy to conceive of the source of official Presidential diplomatic leverage. The “hard power” intrinsic in the military and economic power of the United States is recognized worldwide.⁸ Conversely, a country may obtain the outcomes it wants in world politics through “soft power,” getting others to want the outcomes you want because they admire your values, emulate your example, and aspire to your level of prosperity and openness.⁹

Some of the most visceral foreign moments associated with American ideals are examples of America’s soft power; young people behind the Iron Curtain listening to American music on Radio Free Europe; Chinese students symbolizing their protest in Tiananmen Square by creating a replica of the Statue of Liberty; and newly liberated Afghans in 2001 asking for a copy of the Bill of Rights.¹⁰

The effectiveness of soft power led the United States to adopt “public diplomacy” as a new tool in its diplomatic efforts; public diplomacy is the set of practices and actions by which a state seeks to inform and influence citizens of foreign countries in ways that promote its national interest.¹¹ Enacting an effective public diplomacy program allows the United States to circumvent official diplomatic channels, exercise its soft power, and present its culture to the people of the world.

B. The American Shift toward Public Diplomacy

Prior to World War I, European intellectual and political leaders sensed the proximity of armed conflict and maneuvered to engage the United States,

6. U.S. Const. art II, § 2.

7. Ryan Scoville, *Legislative Diplomacy*, 112 MICH. L. REV. 331, 332 (2013).

8. JOSEPH S. NYE, *SOFT POWER: THE MEANS TO SUCCESS IN WORLD POLITICS*, (2004) (discussing the American military’s role as the world’s only military superpower, its global reach and worldwide bases).

9. *Id.* (introducing the concept of soft power, a method of shaping the preferences of others through the chemistry of attraction rather than coercion, and differentiating the ability to attract from the ability to merely influence).

10. *Id.*

11. Katherine Brown & Tom Glaisyer, *Strengthening U.S. Statecraft Through Public Diplomacy*, 35 FLETCHER F. OF WORLD AFF. 47, 47 (2011).

a seemingly neutral party with enormous industrial capacity, as a political ally.¹² While official ambassadors pursued conventional diplomatic relations, cultural leaders engaged in international competition for the export of culture.¹³

The French created an advertising program for national artwork abroad, and the British encouraged the American elites to study at English schools.¹⁴ By the turn of the century, American intellectuals recognized Paris as the cultural capital of the world, American elite accepted British scholarship and novels, and Americans universally labelled Germany as a bulwark of militarism and imperialism.¹⁵

Perhaps American leadership took notice of this successful exercise in public diplomacy. In 1917, President Woodrow Wilson created the Committee on Public Information to further America's World War I effort by using motion pictures to disseminate propaganda.¹⁶ By the end of the war, motion pictures had evolved from cheap entertainment for the working class into an influential medium depicting societal struggles with gender, race, labor, and class.¹⁷ These difficult topics were addressed by motion pictures such as *Broken Blossoms*, a 1919 silent film, which tells the story of an interracial friendship in London; the woman's alcoholic and abusive father beats her to death after learning of what he believes is a romantic relationship with a "heathen" Chinese immigrant.¹⁸ Another 1919 silent film, *Male and Female*, explores class distinctions through the story of a spoiled aristocrat family shipwrecked alongside their butler and maid.¹⁹

In 1940, President Franklin D. Roosevelt appointed Nelson A. Rockefeller to lead the Office for the Coordination of Commercial and Cultural Relations between the American Republic.²⁰ The agency's primary

12. Jessica C. E. Gienow-Hecht, *Trumpeting Down the Walls of Jericho: The Politics of Art, Music and Emotion in German-American Relations, 1870-1920*, 36 J. OF SOC. HIST. 585, 587-588 (2003).

13. *Id.* at 588.

14. *Id.* (discussing the French administration of the arts, the French establishment of renowned art galleries in the United States, and the British aristocracy's formation of political links with the American elite through weddings and the disproportionate enrollment of American students at English schools).

15. *Id.* (discussing Germany's focus on academic exchange as a cultural export, the failure of the program due to poor etiquette and the insistence of German professors on their scholastic superiority, and Germany's failed art exchange program which stifled contemporary artists deemed inappropriate for international exhibition).

16. Jessica Hwang, *From Spectacle to Speech: The First Amendment and Film Censorship from 1915-1952*, 41 HASTINGS CONST. L.Q. 381, 391 (2014).

17. *Id.* at 392 (discussing the role of motion pictures in mediating the societal and cultural shifts of America by depicting topics such as veterans' struggles, race relations, and gender roles).

18. *BROKEN BLOSSOMS* (Video Yesteryear 1985) (releasing the 1919 film by United Artists).

19. *MALE AND FEMALE* (Paramount Pictures 1919); see *Male and Female*, 1919. [S.l.: s.n.] [Photograph] Retrieved from the Library of Congress, <https://www.loc.gov/item/2013648184/>.

20. DARLENE J. SADLER, *AMERICANS ALL: GOOD NEIGHBOR CULTURAL DIPLOMACY IN WORLD WAR II*, 4 (1st ed. 2012).

mission was to build strong commercial and cultural ties between the United States and Latin America, ensuring Western solidarity against a growing Axis presence.²¹

In 1942, President Roosevelt established the Office of War Information (“OWI”) to provide American and foreign audiences with news of World War II.²² Voice of America, the oldest U.S. government radio broadcasting service, was an integral part of the OWI programs.²³ In 1948, President Truman terminated the OWI, shifting its international information functions to the Department of State (“State Department”).²⁴

Over time, Americans developed a negative perception of government propaganda because of censorship and misinformation by the American government and extensive anti-Jew and pro-Nazi propaganda in Germany.²⁵ However, the United States National Security Council still recognized the need for a policy response to the Soviet Union’s robust international propaganda campaign against the United States.²⁶

In 1948, Congress passed the Smith-Mundt Act, authorizing the State Department to employ agencies and private organizations to disseminate American culture and ideology abroad.²⁷ The Act formalized government sponsored cultural exchanges between private American citizens and foreign nations.²⁸ The United States was displaying a clear intent to enact public diplomacy by taking its own steps to convey American accomplishments to the world.²⁹

C. America’s Jazz Diplomacy

In 1954, the State Department implemented the Cultural Presentations Program in order to enhance the reputation of American culture.³⁰ The program had two purposes. First, it was intended to combat anti-American propaganda which relied on racial incidents from the Civil Rights

21. *Id.*

22. KENNON H. NAKAMURA & MATTHEW C. WEED, CONG. RESEARCH SERV., R40989, U.S. PUBLIC DIPLOMACY: BACKGROUND AND CURRENT ISSUES 9, (2009).

23. *Id.*

24. *Id.*

25. Allen Palmer & Edward L. Carter, *The Smith-Mundt Act’s Ban on Domestic Propaganda: An Analysis of the Cold War Statute Limiting Access to Public Diplomacy*, 11 COMM. L. & POL’Y 1, 6-7 (2006).

26. Emily Metzgar, *Public Diplomacy, Smith-Mundt and the American Public*, 17 COMM. L. & POL’Y 67, 76 (2012).

27. Smith-Mundt Act, Pub. L. No. 80-402, 62 Stat. 6 (1948); Palmer & Carter, *supra* note 25, n.2.

28. Metzgar, *supra* note 26.

29. *See Id.*

30. Cindy Schipani & Kate Peterson, *The Impact of Recording Artists and Music on Legal and Social Change*, 28 MINN. J. INT’L L. 315, 326 (2019).

movement.³¹ Second, it encouraged a sense of connection with foreign citizens by promoting the spread of American music.³²

In competing for political gains against the Soviet Union, the United States tried to establish a reputation of having stable racial relationships by sending jazz musicians overseas.³³ This was a stark contrast to the 1920s, when African American musical creativity, specifically African American contributions to jazz, had been vehemently denied by white Americans.³⁴

Even the attempt to export jazz as an American product brought publicity to American racism; there was a perception that the United States was using the artists to promote a false sense of freedom for African American artists.³⁵ In fact, the State Department discontinued Louis Armstrong's tours when he expressed his opinion on the Little Rock Nine by saying "The way they are treating my people in the South, the government can go to hell."³⁶ Likewise, Dizzy Gillespie was likely removed from the tours due to his criticism of racial issues in the United States.³⁷ He initially refused briefing on what to say by State Department officials, saying "I've got three hundred years of briefing. I know what they've done to us, and I'm not gonna make any excuses," and shortly before the end of his participation in the program responded to racially motivated congressional budget inquiries by saying "Jazz is too good for Americans!"³⁸

Jazz musicians were not necessarily welcomed by United States foreign-service personnel abroad either; they sometimes encountered segregationists in American posts.³⁹ Despite all this, employment on the tour often remained a prized gig; the tours represented a chance to work, support a big band, serve one's country, meet musicians abroad, and contribute to the civil rights cause.⁴⁰ Gillespie was able to reinvigorate his career, gain exposure by performing with a large band while the government handled

31. *Id.*

32. *Id.*

33. *Id.*

34. K.J. Greene, "Copynorms," *Black Cultural Production, and the Debate over African-American Reparations*, 25 MINN. J. INT'L L. 1179, 1184-1185 (2008) (discussing white denial of African American contributions to jazz, the New Orleans musicians who made it a point of honor not to mix with black musicians or acknowledge their talents, and the notion that white contributions to black art elevated it to higher levels).

35. SCHIPANI & PETERSON, *supra* note 30, at 326.

36. DANIELLE FOSLER-LUSSIER, *MUSIC IN AMERICA'S COLD WAR DIPLOMACY*, 107 (2015); Schipani & Kate Peterson, *supra* note 30, at 326.

37. Schipani & Peterson, *supra* note 30, at 326.

38. Elliot Bratton, *The Sound of Freedom: Jazz and the Cold War*, 105 NEW CRISIS 14, 16-17 (1998).

39. ESCHEN, *supra* note 3, at 30.

40. *Id.* at 29.

payroll, and stay relevant in the public eye.⁴¹ The artists also gained from their interactions with other cultures; Gillespie's inspiration to incorporate samba riffs after his trips to Brazil and Argentina helped start the bossa nova craze of the 1960s, and Dave Brubeck's tour of Poland and Middle Eastern countries resulted in his break through albums "Time Out" and "Time Further Out."⁴²

Abroad, the export of American jazz was effective; Europeans of the generation saw jazz as a symbol of America.⁴³ To be a jazz fan was to be progressive, against racism, and supportive of liberalist ideas such as the New Deal.⁴⁴ Intending to promote a vision of color-blind American democracy, the jazz tours brought to the foreground the importance of African American culture and highlighted the contradiction of promoting African American artists as goodwill ambassadors for a Jim Crow nation.⁴⁵

What explains the American inclination to engage in such hypocrisy? How could it be so willing to capitalize on the artistic expressions of African Americans to represent the country abroad while domestically marginalizing the same race? This hypocrisy is nothing new; this hypocrisy is America. And America is the tragic story of historical racism, shameful practices, and cultural appropriation that ultimately progressed from the abuse of African American bodies for economic gain to the exploitation of African American minds for political gain.

Part II: American Hypocrisy

A. The Constitution is Racist

While soft power may be the contemporary nomenclature for the influence of ideas, the concept is rooted in the American identity. The Founders had great reverence for the power of ideas; Thomas Jefferson wrote to Thomas Paine about the power of words and ideas to win friends by engaging rationality.⁴⁶ A statement attributed to John Adams credits the very

41. David M. Carletta, "Those White Guys are Working for Me": Dizzy Gillespie, Jazz, and the Cultural Politics of the Cold War During the Eisenhower Administration, 82 INT'L SOC. SCI. REV. 115, 121-122 (2007).

42. BRATTON, *supra* note 38, at 19; See Dizzy Gillespie, *Desafinado, On The New Sound In Jazz: "Bossa Nova"* (RCA Records 2018).

43. HISHAM D. AIDI, REBEL MUSIC: RACE, EMPIRE, AND THE NEW MUSLIM YOUTH CULTURE, 86 (2014).

44. *Id.*

45. ESCHEN, *supra* note 3, at 5.

46. Donald Kochan, *The Soft Power and Persuasion of Translations in the War on Terror: Words and Wisdom in the Transformation of Legal Systems*, 110 W. VA. L. REV. 545, 549-550 (2008) (urging Paine to do with his pen what would otherwise be done with the sword, finding it more practicable to change minds than exert physical force).

existence of the United States to the power of the idea: “[w]ithout the pen of Paine . . . the sword of Washington would have been wielded in vain.”⁴⁷

But there are other, more sinister, ideas rooted in the American identity. Ideas emanating from actions that show racism and hypocrisy to be acceptable American principles. The same Founders that opined so eloquently on liberty and the power of words and ideas drafted a Constitution which gave enormous protections to slavery.⁴⁸ American slavery was more than a key to economic prosperity, it was a system of racial control appropriating the fruits of labor from a race deemed fundamentally inferior.⁴⁹ During debates for the Thirteenth Amendment, some legislators believed abolition of slavery so violated the spirit of the Constitution that it was more akin to revolution than amendment.⁵⁰ This hypocrisy was noticed by hip hop artists, in “High for Hours,” J. Cole raps:

American hypocrisy, oh let me count the ways
They came here seeking freedom and they end up owning slaves
Justified it using Christianity would say. . .
Here’s a thought for my revolutionary heart
Take a deeper look at history, it’s there to pick apart
See the people at the top, they get to do just what they want⁵¹

National identity itself can be so compromised by embedded racial processes that it becomes difficult to conceive of the identity in non-racial terms; the hypocrisy became the norm because racism was the norm.⁵²

One can only imagine the injustice felt by a slave who, robbed of his freedom, was faced daily with the knowledge that his owner considered liberty a God given right. Perhaps the only indignity worse than being treated as chattel is to be robbed of one’s humanity. Eventually the Supreme Court would become complicit in just such a robbery by finding that slaves were a subordinate and inferior class of beings.⁵³

47. *Id.* (discussing the influence of Thomas Paine’s short work, “*Common Sense*”, the first pamphlet to encourage American Independence).

48. Paul Finkelman, *How the Proslavery Constitution Led to the Civil War*, 43 RUTGERS L.J. 405, 407 (2013) (discussing various Constitutional protections of slavery, including the three-fifths clause, the Fugitive Slave Clause, clauses guaranteeing federal suppression of slave rebellions, clauses preventing indirect taxation of slaves, and the intentional structuring of amendment ratification to protect the institution of slavery by giving slave states a latent ability of perpetual veto).

49. *Id.* at 409.

50. Michael Les Benedict, *Constitutional Politics, Constitutional Law, and the Thirteenth Amendment*, 71 MD. L. REV. 163, 179-80 (2011).

51. J. COLE, *High for Hours* (Cam O’bi and Elite 2017).

52. See PATRICIA HILL COLLINS, FROM BLACK POWER TO HIP HOP: RACISM, NATIONALISM, AND FEMINISM 33 (2006).

53. *Dred Scott v. Sandford*, 60 U.S. 403, 404-05 (1857), superseded by constitutional amendment, U.S. CONST. amend. XIV (1868).

This means pre-Emancipation white America never had the option of respecting African American culture. To accept African American artistic expression was to consider it worthy, and to consider it worthy was to consider African Americans worthy. To consider African Americans worthy was to admit the inhumanity of the very foundation of America, far better to steal the fruits of their artistic labor. The American foundation was racist, and this was the bedrock on which to build a racist system.

B. America's Racism is Systemic

The Thirteenth Amendment was ratified in 1865, implementing a constitutional prohibition against slavery.⁵⁴ The South, having lost the war of hard power, moved to defy Northern authority in a war of ideas.⁵⁵ The Ku Klux Klan terrorized free African Americans, many of whom were voting and holding office, and undermined Reconstruction efforts.⁵⁶

Political racism did not stop at the local level; in the 1867 State of the Union Address, President Johnson wrote that African Americans had a tendency to relapse into barbarism and were incapable of instituting a successful government.⁵⁷ The President of the United States, less than three years after the end of a war that killed 620,000 people, publicly informed citizens of his country that they were fundamentally inferior.⁵⁸

Systemic racism was in effect economically as well. After the Civil War, and despite the lack of any substantial federal aid, African American farmers were able to acquire property throughout the South.⁵⁹ However, racism remained a powerful defining and controlling variable in land transactions.⁶⁰ The African American farming community and land

54. Adam M. Carrington, *Running the Robed Gauntlet: Southern State Courts' Interpretation of the Emancipation Proclamation*, 57 AM. J. LEG. HIST. 556, 556-57 (2017).

55. JON MEACHAM, *THE SOUL OF AMERICA: THE BATTLE FOR OUR BETTER ANGELS* 58-60 (2018) (summarizing Edward Alfred Pollard's philosophical writings that outlined a war of ideas, likening reassertion of states' rights and rejection of federal rule to a holy cause in order to fight against African American equality and suffrage, and discussing Jubal A. Early's creation of the Southern Historical Society in order to cultivate the image of Robert E. Lee, cementing the narrative that the North had not outfought the South but emerged victorious due to overwhelming advantages in manpower and industrial strength).

56. *Id.* at 61.

57. *Id.* at 63.

58. See generally Cynthia Nicoletti, *The American Civil War as a Trial by Battle*, 28 LAW & HIST. REV. 71, 76 (2010).

59. Jordan D. Nickerson, *America's Invisible Farmers: From Slavery, to Freedmen, to the First on the Land*, 23 DRAKE J. AGRIC. L. 253, 256 (2018).

60. Phyllis Craig-Taylor, *African-American Farmers and the Fight for Survival: The Continuing Examination for Insights into the Historical Genesis of this Dilemma*, 26 N.C. CENT. L.J. 21, 30 (2003) (discussing the difficulties African Americans had to overcome in land acquisition, including restricted credit opportunities, widespread practices of usury, sharecropping, and convict leases).

ownership declined, driven by individual and institutional racism.⁶¹ Michael Santiago Render, known by the stage name Killer Mike, eloquently describes the ramifications of disproportionate land ownership when he raps:

The ballot or the bullet, some freedom or some bullshit
 Will we ever do it big, or keep just settling for little shit
 We brag on having bread, but none of us are bakers
 We all talk having greens, but none of us on acres
 If none of us on acres, and none of us grow wheat
 Then who will feed our people when our people need to eat⁶²

In 1896, the Supreme Court upheld the constitutionality of racial segregation laws for public facilities.⁶³ By the end of the Nineteenth century, Jim Crow laws legitimized racial segregation and effectively mandated unequal protection and treatment under the law.⁶⁴ The creation of spatial boundaries based on race reinforced White supremacy.⁶⁵ Within three decades of the end of the Civil War and the end of slavery, Southern whites had effectively created an American apartheid.⁶⁶

This Southern apartheid subjected African Americans to atrocious acts. In the Tulsa race riot of 1921, hundreds of African Americans were killed, thousands were driven from the city, and an affluent African American section of the city was destroyed.⁶⁷ Rioters were aided by local police who helped attack African Americans.⁶⁸ In 1923, African American citizens of Rosewood, Florida, were massacred and their city razed to the ground.⁶⁹

61. Nickerson, *supra* note 59, at 257-60 (discussing fear and intimidation in the daily life of black farmers, governmental agencies who overlooked the black population, and the reduction of many farmers to a state of economic slavery due to sharecropping).

62. KILLER MIKE, *Reagan, on R.A.P. MUSIC* (Williams Street Records 2012).

63. *Plessy v. Ferguson*, 163 U.S. 537, 540 (1896), *overruled by Brown v. Bd. of Ed. of Topeka, Shawnee County, Kan.*, 347 U.S. 483 (1954).

64. Frances L. Edwards & Grayson Bennett Thompson, *The Legal Creation of Raced Space: The Subtle and Ongoing Discrimination Created Through Jim Crow Laws*, 12 BERKELEY J. AFR.-AM. L. & POL'Y 145, 151-52 (2010).

65. *Id.* (discussing the role of Jim Crow laws as legal constructs to regulate the concept of space in regard to the races, reinforcing White supremacy by creating spatial boundaries based on race).

66. Meacham, *supra* note 55, at 58-60 (discussing the postbellum South's refusal to concede that the Civil War had altered the essential status of black people, the successfully use of terror and political inflexibility to prevent equality, and the paradigm of lynching, church burning, denial of equal education, and denial of access to the ballot box).

67. Kaimipono David Wenger, "Too Big to Remedy?" *Rethinking Mass Restitution for Slavery and Jim Crow*, 44 LOY. L.A. L. REV. 177, 182 (2010).

68. *Id.*

69. C. Jeanne Bassett, *House Bill 591: Florida Compensates Rosewood Victims and Their Families for A Seventy-One-Year-Old Injury*, 22 FLA. ST. U. L. REV. 503, 506 (1994) (describing a single white resident's allegation that she had been attacked by an unknown African American man,

Rosewood, which had housed approximately twenty African American families, is now identifiable only by a highway marker.⁷⁰ This is not an exhaustive list.⁷¹

The Thirteenth Amendment did not abolish slavery as punishment for a crime, and in the post-Civil War era, the South used convict-leasing programs as an economic subsidy.⁷² In 1934, the creation of the Federal Prison Industries (“FPI”) established a government corporation to oversee prison labor programs in federal prisons; the FPI leveraged prison labor to become a significant contributor to the World War II war effort, and the Department of Defense remains the principal customer.⁷³

Today, the war on drugs has resulted in a disproportionate number of African Americans being sentenced to prison.⁷⁴ The mass incarceration of African Americans is part of a \$20 billion prison industry.⁷⁵ Angola prison, one of the largest prisons in the United States, was literally an 8,000 acre slave plantation, and today houses 5,000 prisoners, of which 75% are black.⁷⁶ Many scholars argue that the late twentieth century drug policy is effectively the new Jim Crow, with racial imbalances in incarceration largely attributable to efforts to combat crack cocaine.⁷⁷

Systemic racism and the appropriation of black culture has not gone without commentary by hip hop artists. While portraying an African American discussing aspects of race and society with a white man in “I’m Not Racist,” Joyner Lucas raps:

the resulting killings and evacuation of the African American citizens of Rosewood, and the burning of the structures of the town).

70. *Id.*

71. See Emma Coleman Jordan, *A History Lesson: Reparations for What?*, 58 N.Y.U. ANN. SURV. AM. L. 557, 580-85 (2003) (discussing the lynching of Emmitt Till, Ed Roach, Ben Webster, Robert Murtore, Louis Wimberly, Richard Hawkins, Ernest Ponder, and Jim McIlherron, the immolation of Henry Scott, the murder of Charley Sheppard, whose extremities were burned first to prolong his suffering, and the torture and murder of Mary Turner and her unborn child).

72. Lan Cao, *Made in the USA: Race, Trade, and Prison Labor*, 43 N.Y.U. REV. L. & SOC. CHANGE 1, 7-12 (2019) (discussing the implementation of Southern “Black Codes,” which were facially race-neutral but made blacks susceptible to arbitrary arrest and imprisonment, the focus on labor as a necessary element for reform, and the large prison labor camps which proliferated in areas that had been slave plantations, resulting in a workforce even cheaper than slavery because farm owners were not responsible for the health of workers, as they were in slavery).

73. *Id.* at 14.

74. Floyd D. Weatherspoon, *The Mass Incarceration of African-American Males: A Return to Institutionalized Slavery, Oppression, and Disenfranchisement of Constitutional Rights*, 13 TEX. WESLEYAN L. REV. 599, 606 (2007).

75. *Id.* at 611.

76. *Id.* at 609.

77. Deborah Ahrens, *Methademic: Drug Panic in an Age of Ambivalence*, 37 FLA. ST. U. L. REV. 841, 845-60 (2010) (discussing media coverage and the public perception of a crack epidemic, the differences in federal sentencing guidelines for powder cocaine and crack cocaine, commonly associated with white and black users, respectively, and the comparatively sanguine reaction to the mid-2000s meth pandemic involving predominately white users).

You wanna copy our slang and everything that we know
 Try to steal black culture and then make it your own, whoa
 Fuck, I'm exhausted
 I can't even drive without the cops tryna start shit
 I'm tired of the systematic racism bullshit⁷⁸

Maybe the cognitive dissonance required to treat fellow humans this way stems from the fact that Americans are no strangers to hypocrisy. The Founders acknowledged their hypocrisy and open violation of Revolutionary ideals.⁷⁹ Patrick Henry, in a letter to Robert Pleasants, wrote "Would any one believe that I am Master of Slaves of my own purchase! I am drawn along by ye general Inconvenience of living without them; I will not, I cannot justify it."⁸⁰

Thomas Jefferson's original draft of the Declaration of Independence condemned the King of Great Britain for vetoing colonial attempts to end the importation of slaves, but he owned slaves until the day he died.⁸¹ Meanwhile, free black volunteers from Haiti fought and died for American freedom.⁸² Later, discussing the influence of slavery on the manners of the populace, Jefferson wrote about the demeaning nature of slavery, saying "Our children see this, and learn to imitate it . . . And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God?"⁸³

While drafting the Constitution, the framers referred to slaves as persons and, possibly showing their embarrassment, refused to outright name slavery in the Constitution.⁸⁴ In spite of this, the American government has maintained a steadfast willingness to ignore the hypocrisy exhibited by the Founders. In the *Dred Scott v. Sandford* decision, the Supreme Court went so far as to name the Founders incapable of hypocrisy.⁸⁵ This systematic

78. JOYNER LUCAS, *I'm Not Racist* (Atlantic Records 2017).

79. Tania Tetlow, *The Founders and Slavery: A Crisis of Conscience*, 3 LOY. J. PUB. INT. L. 1, 10-14 (2001) (discussing Thomas Jefferson's acknowledgement of the hypocrisy and ambiguity of the founding generation and George Washington's announcement that he would stop buying slaves and release of his slaves upon his and his wife's death).

80. DAVID BRION DAVIS, *THE PROBLEM OF SLAVERY IN THE AGE OF REVOLUTION, 1770-1823* at 196 (Oxford University Press 1999) (1975).

81. TETLOW, *supra* note 79, at 11.

82. George P. Clark, *The Role of Haitian Volunteers at Savannah in 1779: An Attempt at an Objective View*, 41 PHYLON 356, 356-58 (1980).

83. THOMAS JEFFERSON, *Notes on the State of Virginia*, in THE PORTABLE THOMAS JEFFERSON 198, 214-15 (Penguin Press 1977).

84. TETLOW, *supra* note 79, at 7 (the framers referred to slaves as "person[s] held to Service or Labour").

85. *Dred Scott v. Sandford*, 60 U.S. 403, 404-05 (1857), superseded by constitutional amendment, U.S. CONST. amend. XIV (1868) (referring to the language of the Declaration of Independence, the court said "But it is too clear for dispute, that the enslaved African race were not

disregard of African American rights victimized them on every level, leaving African American artists vulnerable to the appropriation of their work.

C. Appropriation of Black Culture is Concomitant with Racism

Black artistic creativity has a long history of steering American culture.⁸⁶ Creative property was the one form of property that could not be taken during enslavement.⁸⁷ It makes sense that slaves would connect with themselves and each other by remembering their culture's art, practicing the art, and exploring new forms referential to the art. Accordingly, slaves resisted oppression by leveraging African tradition to create new expressive forms.⁸⁸ Despite case law documenting white audiences' aversion to African slave music and dance, African dances became so popular that households placed a premium on slaves who could teach them.⁸⁹

By the 1840s, black music forms constituted the most popular segments of the music industry, and black artists would go on to influence virtually all original American music genres with the innovation of ragtime, blues, and jazz.⁹⁰ White appropriation remained a constant for much of America's musical history; although the African American Scott Joplin was the central figure in creating ragtime, it was the white composer, Irving Berlin, who was crowned the king of ragtime.⁹¹ The first blues and jazz recordings in the early twentieth century were white entertainers imitating black musicians; white artists received the credit, the money, and the publicity during the formative years of jazz and blues.⁹²

Today, the pattern of appropriation has continued through exploitation and asymmetrical property rights; the tangible medium requirement of the copyright regime itself imposes a disadvantage on the African American artist raised in an oral tradition dating back to Africa.⁹³ The lack of equal protection of intellectual property rights reduces the ability of African American artists to control the marketing and distribution of their cultural

intended to be included, and formed no part of the people who framed and adopted this declaration; for if the language, as understood in that day, would embrace them, the conduct of the distinguished men who framed the Declaration of Independence would have been utterly and flagrantly inconsistent with the principles they asserted; and instead of the sympathy of mankind, to which they so confidently appealed, they would have deserved and received universal rebuke and reprobation.”).

86. GREENE, *supra* note 34, at 1187.

87. *Id.* at 1217.

88. *Id.* at 1187.

89. *Id.*

90. *Id.* at 1187-88.

91. *Id.* at 1192.

92. *Id.* at 1187.

93. K.J. Greene, *Copyright, Culture & Black Music: A Legacy of Unequal Protection*, 21 HASTINGS COMM. & ENT L.J. 339, 379 (1999).

commodities.⁹⁴ This imbalance led to a transfer of wealth, in the form of copyright, from blacks to whites.⁹⁵

This long history of cultural appropriation and racism must have helped shape contemporary African American art and culture. Unfortunately, if a government is denying basic human rights to people within its jurisdiction, it will likely invoke national security to suppress legitimate movements for social and political change.⁹⁶ The Federal Bureau of Investigation (“FBI”) has a long history of suppressing the efforts of African Americans seeking racial justice, and eventually it would target Black activist organizations to “prevent the rise of a ‘messiah’” who could unify the movement for Black liberation.⁹⁷

Part III: The Rise of Islamic Diplomacy

A. Islam and Music before Hip Hop

African American music has been intertwined with Islam since at least 1910.⁹⁸ Islamic motifs and notions of African solidarity have been heard in Jazz since the 1940s.⁹⁹ The spread of Islam in the jazz community from the 1940s through the 1960s was both an attempt to break with a southern past and a cultural escape from the northern ghetto.¹⁰⁰

Less than a decade after the Jazz tours of the 1950s, the United States was marked by violent upheaval in major metropolitan areas.¹⁰¹ At the same time, the FBI’s Counter Intelligence Program (“COINTELPRO”) waged a secret war against citizens it considered threats to the established order.¹⁰² The FBI engaged in a systematic campaign of surveillance, infiltration, and disinformation against Black nationalist groups such as the Nation of Islam (“NOI”).¹⁰³

94. *Id.* at 387-88.

95. *Id.*

96. See Natsu Taylor Saito, *Whose Liberty? Whose Security? The USA Patriot Act in the Context of COINTELPRO and the Unlawful Repression of Political Dissent*, 81 OR. L. REV. 1051, 1064-65 (2002).

97. See *id.* at 1094-95.

98. AIDI, *supra* note 43, at 56.

99. *Id.*

100. *Id.* at 87-88.

101. FELICIA M. MIYAKAWA, *FIVE PERCENTER RAP: GOD HOP’S MUSIC, MESSAGE, AND BLACK MUSLIM MISSION* 19 (2005) (discussing riots protesting racial inequality in New York, New Jersey, Illinois, and Pennsylvania in the summer of 1964 and 150 additional riots in 1967).

102. SAITO, *supra* note 96, at 1081-82.

103. *Id.* at 1080.

Amidst this period of turmoil and COINTELPRO manipulation, the NOI splintered.¹⁰⁴ One of the earlier splinter groups, the Five Percent Nation of Islam (“Five Percent Nation”), helped contribute to the security of early hip hop events and came to be seen as an integral part of the hip hop scene.¹⁰⁵ COINTELPRO and the associated violative antagonism of Islamic and black power advocates may have been the genesis of a modern distrust between hip hop artists and the government; this wariness and skepticism are illustrated by Felipes Andres Coronel, aka Immortal Technique, when he raps:

And if you speak about the evil that the government does
 The Patriot Act will track you to the type of your blood
 They try to frame you and say you was tryna sell drugs
 And throw a federal indictment on niggas to show you love . . .
 All they talk about is terrorism on television
 They tell you to listen, but they don’t really tell you they mission
 They funded al-Qaeda, and now they blame the Muslim religion
 Even though Bin Laden was a CIA tactician
 They gave him billions of dollars and they funded his purpose¹⁰⁶

While Jazz diplomacy was used to counter Soviet propaganda highlighting racial strife in the American south, the NOI role as the largest Muslim community and its opposition to the American government meant there was no American Muslim community that could be similarly leveraged for public diplomacy.¹⁰⁷ America instead looked abroad to foster dissent; Uzbeks, Chechens, and Central Asian Muslims were recruited to staff Radio Free Europe and broadcast to Muslims behind the Iron Curtain.¹⁰⁸ At the same time, American intelligence covertly funded filming of George Orwell’s *1984* and *Animal Farm*, and supported the *Arabic Review*, a magazine.¹⁰⁹

Domestically, musicians were a significant part of the Black nationalist movement; Nina Simone, a popular and acclaimed singer, helped raise funds and awareness for civil rights organizations.¹¹⁰ In “Mississippi Goddamn,”

104. Spearit, *Raza Islámica: Prisons, Hip Hop & Converting Converts*, 22 BERKELEY LA RAZA L.J. 175, 179 (2012) (discussing the controversial decisions of the leadership of the NOI, movement away from race-based religious nationalism toward Sunni Islam, and the split from and recreation of the NOI by Louis Farrakhan); MIYAKAWA, *supra* note 101 (discussing the role of FBI leaks in contributing to dissension with the NOI).

105. MIYAKAWA, *supra* note 101, at 21.

106. IMMORTAL TECHNIQUE, *Bin Laden* (2005).

107. AIDI, *supra* note 43, at 200.

108. *Id.* at 201.

109. *Id.*

110. Andrea L. Dennis, *Black Contemporary Social Movements, Resource Mobilization, and Black Musical Activism*, 79 L. & CONTEMP. PROBS. 29, 40-41 (2016).

she rejects the notion that African Americans can patiently await civil rights, singing:

Yes you lied to me all these years
 You told me to wash and clean my ears
 And talk real fine just like a lady
 And you'd stop calling me Sister Sadie
 Oh but this whole country is full of lies . . .
 You keep on saying 'Go slow!'
 'Go slow!'
 But that's just the trouble
 'Do it slow'
 Desegregation
 'Do it slow'¹¹¹

This synergy between the power of musical expression and Black nationalist protest would not fade, but foment a new brand of musical opposition.

B. Islam and Hip Hop

The relationship between Islam and African American music continued into the hip hop era. The 1987 video of Eric B and Rakim's hit "Paid in Full" featured images of Ayatollah Khomeini and Muslim congregational prayer.¹¹² The hip hop magazine *The Source* devoted the entire March, 1991, issue to the relationship between Islam and hip hop.¹¹³ Islamic motifs and Arabic terms were integrated into hip hop lyrics; the Five Percent Nation's wordplay was found in the lyrics of early hip hop groups like Gang Starr, Poor Righteous Teachers, and Brand Nubian.¹¹⁴

Islam's success in hip hop culture was matched by its success in prison.¹¹⁵ It has been estimated that up to fifteen percent of the United States prison population is Muslim, with an additional thirty to forty thousand

111. NINA SIMONE, *Mississippi Goddam*, on NINA SIMONE IN CONCERT (Philips Records 1964).

112. AIDI, *supra* note 43, at 57.

113. *Id.*

114. *Id.* at 57-58; Brand Nubian, *Brand Nubian* (1989) (expressly referencing the Five Percent as an inspiration); Poor Righteous Teachers, *Holy Intellect* (making references to Five Percent symbols such as the star and seven found on the Five Percent flag, and interpreting the text of the word yes in a manner reminiscent of the Five Percent supreme alphabet); Gang Starr, *2 Deep* (1992) (expressly mentioning the nation of Islam and the Five Percent); Katz, *supra* note 1, at 148-149 (discussing the notion of building, the Five Percent focus on building to enhance knowledge and add positivity to the world, and various Brand Nubian lyrical references to the Five Percent concept of building).

115. SPEARIT, *supra* note 104, at 184.

converts per year.¹¹⁶ The United States Muslim population has grown from about 1.8 Million in 1980 to between 6 and 7 Million in 2012.¹¹⁷

The growth of a domestic Muslim population allows the government to turn inward for public diplomacy resources, but it is no secret that hip hop also resonates deeply with youth, the fastest growing segment of the global population.¹¹⁸ Corporations have incorporated rap into marketing campaigns, and hip hop influences are found in fashion, film, and the everyday speech of younger generations.¹¹⁹

The growth of Islam in America and the emergence of hip hop as a cultural phenomenon did not negate the common perception of violence and misogyny in hip hop, and it would take the State Department years to expand the use of hip hop artists in Muslim-majority nations in response to the terrorist attacks of September 11, 2001.¹²⁰ There were public doubts about the ability of the United States to launch a systematic cultural offensive as it did in the Cold War, and concerns about the effectiveness of employing music with a tradition of African American Muslim protest in Islamic countries.¹²¹

Furthermore, public diplomacy during the Bush administration of the early 2000s struggled amidst coverage of the extra-judicial detention of Muslim terrorist suspects at Guantanamo Bay and enhanced interrogation techniques on Muslim detainees at black sites.¹²² While the State Department eventually touted the liberating effects of hip hop and Facebook on Muslim youth, the National Security Agency used the same technology for surveillance.¹²³ The dissonance is obvious; diplomacy is ultimately intended to serve the state interest, but hip hop has been defined by its resistance to system.¹²⁴

This dissonance places the hip hop artists asked to participate in diplomatic efforts in a difficult position. Once again, African American artists are asked to legitimize America's global agenda. But perhaps the difficulty of the choice is exacerbated by the past; now they know the

116. *Id.*

117. *Id.*

118. Katz, *supra* note 1, at 14.

119. Brief for Erik Nielson et. al. as Amici Curiae Supporting Petitioner, *Bell v. Itawamba Cty. Sch. Bd.*, 799 F.3d 379 (5th Cir. 2015) (No. 15-666).

120. Katz, *supra* note 1, at 34-43 (describing the State Department's cautious approach to hip hop amid concerns of negative public reaction and the fear of antagonizing lawmakers, the intentional selection of Toni Blackman, a Harvard educated black female, as the first American Cultural specialist in hip hop, and the eventual expansion of State Department usage of hip hop artists in 2004).

121. AIDI, *supra* note 43, at 252.

122. Dakota S. Rudesill, *Foreign Public Opinion and National Security*, 36 WM. MITCHELL L. REV. 5223, 5234 (2010).

123. AIDI, *supra* note 43, at 256.

124. Katz, *supra* note 1, at 5, 110.

transformative civil rights impact of the previous jazz diplomacy effort, and practice an art form even more rooted in resistance to the system.

C. The Conflicted Artist Redux

Government actors and the American public are not the only parties cautious of the complex relationship between diplomatic efforts and hip-hop artists, possibly a result of caution learned from conflicted Jazz diplomats. Louis Armstrong, at a reception for a retiring ambassador, said “Call me ambassador of music.”¹²⁵ Later, discussing the Little Rock Nine, he would refuse to tour the Soviet Union on behalf of the State Department, saying, as described above, “the way they are treating my people in the South, the government can go to hell.”¹²⁶

Likewise, in “Black Steel in the Hour of Chaos,” rapper Chuck-D derides the idea of working for the government when, portraying a conscientious objector, he raps:

I got a letter from the government
The other day
I opened and read it
It said they were suckers
They wanted me for their army or whatever
Picture me given’ a damn, I said never¹²⁷

Later, however, he would write about the responsibility of hip hop artists to work in the community, protect the art form, and participate in artist exchange.¹²⁸

Perhaps when confronted with hip hop diplomacy, African American artists are again confronted with the difficult choice, a faux sellout paradox. Representing one’s country is irreducibly problematic for those whose communities and cultures have been marginalized or actively repressed by their government.¹²⁹ This problem may be exacerbated in the modern era; globalization and the internet allow hip hop to manifest worldwide, unlike jazz in the 1960s.¹³⁰

125. Fosler-Lusser, *supra* note 36.

126. *Id.*

127. PUBLIC ENEMY, *Black Steel in the Hour of Chaos*, on IT TAKES A NATION OF MILLIONS TO HOLD US BACK (Def Jam Recordings 1988).

128. Chuck-D, *Never Have so Many Been Pimped by so Few*, THE REVOLUTIONARY HIP-HOP REPORT (June 13, 2011), <https://rhhr.wordpress.com/2011/06/13/never-have-so-many-been-pimped-by-so-few/>.

129. Katz, *supra* note 1, at 125.

130. Aidi, *supra* note 43, at 256.

Accordingly, the modern artist in America is often no stranger to the political messages that can be conveyed by her music; advised after 9/11 to drop Arabic lyrics from her music because it could hurt sales, Shakira refused, expressing horror at the hatred of everything Arab.¹³¹ She then covered the gamut of political experiences; Egyptian officials confiscated her outfits in 2003 because they were scandalous, but by 2012 she was appointed a United Nations' goodwill ambassador.¹³²

In the music video for "Can't Truss It," Public Enemy juxtaposes images of modern police with a depiction of the lynching of a runaway slave, likely referencing the slave patrol origins of modern American law enforcement.¹³³ Perhaps this knowledge of the political influence that music is capable of gives the modern artist a foreknowledge that the jazz ambassadors did not have.

In "The Real Ambassador," a 1962 satire of State Department objectives that was collaborated on by Louis Armstrong, the narrator describes how the hero, modeled on and played by Armstrong, had inadvertently served a national purpose and caused the official sanctioning of a program called cultural exchange.¹³⁴ This humorous portrayal of an accidentally effective musical hero may, to some degree, be an admission of Armstrong's own low expectations for, and surprise at the effectiveness of, his diplomatic efforts on behalf of America.

The State Department continues to recognize the transformative power of art, even hip hop, across the globe.¹³⁵ It is easy to accept that hip hop is well suited for public diplomacy; it is an art form readily identified as American and embraced by communities around the world.¹³⁶ In 2005, the State Department moved beyond performances and began sending hip hop ambassadors to Africa, Asia, and the Middle East to perform and hold workshops.¹³⁷ Toni Blackman, the State Department's first American Cultural Specialist in hip hop, began her first three-week tour of West Africa in 2001.¹³⁸ Houston's Havikoro Dance Crew went to Azerbaijan in 2004, and

131. *Id.* at 42.

132. *Id.*

133. See generally Eleanor Lumsden, *How Much Is Police Brutality Costing America?*, 40 U. HAW. L. REV. 141, 146 (2017), Channel ZERO, *Public Enemy – Can't Truss It (Official Music Video)*, YOUTUBE (Oct. 22, 2010), <https://www.youtube.com/watch?v=am9BqZ6eA5c>.

134. Eschen, *supra* note 3, at 79-81.

135. Secretary of State John Kerry, Remarks at the Kennedy Center Honors Dinner (Dec. 7, 2014) (discussing Bruce Springsteen's performance in East Germany one year before the Berlin Wall fell, the role of an American inspired Tunisian rapper in sparking the 2010 democratic uprising in Tunisia, and other artists).

136. Katz, *supra* note 1, at 14.

137. Hisham Aïdi, *The Grand (Hip-Hop) Chessboard: Race, Rap and Raison d'État*, MIDDLE E. REP., 260 (Fall 2011) at 28.

138. Katz, *supra* note 1, at 36.

would go to Vietnam in 2005.¹³⁹ Anas Canon, a California DJ and founder of the hip hop collective Remarkable Current, took his group to several Muslim-majority countries between 2006 and 2011.¹⁴⁰ They visited several Tunisian cities in 2011 in the wake of nationwide protests, and Tunisian activist Achref Aouadi said “Remarkable Current has more of an impact on Tunisia than Secretary Hillary Clinton.”¹⁴¹

By 2019, over 111 hip hop artists had participated in the State Department funded diplomatic programs of Next Level, a State Department initiative to foster cultural creative exchange.¹⁴² This means that at least 111 hip hop artists have been faced with the difficult choice of participation.

D. The New Paradigm of Subversive Complicity

Ultimately, public diplomacy is intended to serve the government interest. However, there is not a single government agenda, State Department agenda, or even artist agenda.¹⁴³ In 1955, the *New York Times* declared jazz to be the country’s most potent “sonic weapon.”¹⁴⁴ But weapons often serve those who create them. Perhaps the jazz ambassadors were not successful because they claimed to represent a free country, but because they identified so deeply with the global struggles for freedom and they wielded the weapon to share those struggles.¹⁴⁵

In October, 1946, a group of modern American paintings titled “Advancing American Art” became the first touring art exhibition to be sponsored, organized, and funded by the U.S. State Department.¹⁴⁶ The collection was praised by critics but was politically condemned for its failure to embody American democratic values.¹⁴⁷ The criticism was promptly answered by William Benton, Assistant Secretary of State for Public Affairs, when he said, “Only in a democracy where the full development of the individual is not only permitted but fostered could such an exhibition be assembled.”¹⁴⁸

This full development of the individual may be best exemplified in hip hop diplomacy by Ozomatli, a Los Angeles group known for anti-

139. *Id.* at 40.

140. *Id.* at 158.

141. *Id.*

142. *Id.* at 158; see About, NEXT LEVEL, <https://www.nextlevel-usa.org/about> (last visited Dec. 4, 2019).

143. Katz, *supra* note 1, at 5.

144. *Id.* at 26.

145. See Eschen, *supra* note 3, at 252.

146. Jonathan Lahey Dronsfield, *The Paradoxes of Democracy: Postwar American Art and U.S. Foreign Policy*, 35 ST. LOUIS U. PUB. L. REV. 303, 304 (2016).

147. *Id.*

148. *Id.*

government lyrics; between 2007 and 2011, Ozomatli performed in over a dozen countries on behalf of the State Department.¹⁴⁹ The group was perplexed by their invitation to perform because of their vocal stance against war and against George Bush.¹⁵⁰ The State Department loved their music and wanted them to represent America anyway, and they did, so that they could share their messages about justice and injustice with people they would never otherwise encounter.¹⁵¹ When Ozomatli toured Egypt, Jordan, and Tunisia in 2007, the Public Affairs Officer of Amman, Jordan, acknowledged that Jordanians maintain a largely hostile attitude toward United States foreign policy, but the performance by Ozomatli promoted diversity, mutual respect, and tolerance in a way that could bring people together.¹⁵²

In the same manner, hip hop can be a great resource for youth around the globe, helping them cultivate their imaginations and build a better world.¹⁵³ Feeling a sense of connection with lyrics can empower individuals with the ability to absorb the experience, transform it, and communicate it to others.¹⁵⁴ Feeling a sense of connection with the artist can be a profound experience, overcoming prejudice and adding to the experience and expectations between races.¹⁵⁵

Perhaps the connection with the artist is some facet of appropriation. In the jazz era, the exportation of jazz eventually meant the exportation of the civil rights movement.¹⁵⁶ Even the minstrel show, appropriating black culture with the appearance of white performers masquerading in blackface as blacks, ultimately paved the way for authentic black performers.¹⁵⁷

Will Power, a hip hop theater artist who conducted workshops on behalf of the State Department, does not deny his complicity with the wickedness the United States government has done.¹⁵⁸ But his acceptance is predicated on the notion that we are all complicit in something, the government has

149. Katz, *supra* note 1, at 130.

150. *Id.* at 130-31.

151. *Id.* at 131.

152. *Id.* at 146-47.

153. Lakeyta M. Bonnette-Bailey, Ray Block & Harwood K. McClerking, *Imagining A Better World: Rap Music Skepticism and the Civic Activism of Young African Americans*, 15 DU BOIS REVIEW 353, 368 (2018) (discussing the role of rap in educating black youth and promoting critical engagement, and the need for critical engagement in inspiring youth to imagine a better world).

154. Andreana Clay, "All I Need Is One Mic": *Mobilizing Youth for Social Change in the Post-Civil Rights Era*, 33 SOC. JUST. 105, 116 (2006).

155. Fosler-Lussier, *supra* note 36, at 109-113 (discussing Marian Anderson's State Department tour, her return home, and public interviews where she discussed prejudice and the strength she found in her religious faith, and the resulting outpour of public support, where viewers wrote of their limited interaction with the black race, newfound respect for the race on account of Anderson's example, and desire to use the program to educate neighbors and fellow citizens). Fosler-Lussier

156. Katz, *supra* note 1, at 146.

157. Greene, *supra* note 34, at 1191.

158. Katz, *supra* note 1, at 136.

done good as well as bad, and it is better to attempt to be part of the solution than to refuse to participate in order to deny complicity.¹⁵⁹

Today, racially based movements have allowed millions of racial minority group members to enter the political process.¹⁶⁰ Sociologists and scholars have used the term subversive complicity to describe a stance in which a traditionally marginalized or subjugated group participates within an exploitative system in order to resist or reform a hegemonic power.¹⁶¹ Perhaps Will Power is right, maybe complicity is the only way to effect change. Maybe the artists are not really given a difficult choice at all, but are instead given an opportunity to have their voice heard. Maybe the hypocrisy is a result of hopefulness, where a country can accept its dark past but hope for a brighter future. Now that sounds like America.

159. *Id.*

160. Aidi, *supra* note 43, at 162.

161. Katz, *supra* note 1, at 130.
